

THE GLOBAL CRISIS OF FORCED DISPLACEMENT: WHERE ARE WE AND WHERE ARE WE HEADING?

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The entry into force of the EU's New Pact on Migration and Asylum in June 2026 is only the latest in a series of measures by which Global North states are narrowing access to international protection. This is happening at a moment when the number of forcibly displaced people, 117.8 million at the end of 2025, remains near record highs. This brief traces how forced displacement evolved from a legitimate instrument of statecraft into a violation of international law and argues that today's crisis is not primarily one of numbers but of political will. The very states that built the postwar protection regime are systematically retreating from it. Despite the fact that, according to available statistics, the numbers of forced migrants will continue rising, the most likely trajectory in protection is the normalization of forced displacement as an ad hoc managed condition, in which treatment depends less on need than on where people come from and how much they are worth politically.

On June 12, 2026, the New Pact on Migration and Asylum came into force across the European Union.¹ The Pact's language revolves around ideas such as solidarity, human dignity, and a fair sharing of responsibility. At the same time, it introduces rules meant to make it easier for member-states to control their own territory and borders. It is a response to the still growing tide of populist, anti-immigration slogans and to member-states' push to strengthen their say over

who is admitted under asylum procedures, who is not, and under what terms and within what scope of international protection can be granted. The Pact is also meant to solve the difficult problem of how to actually carry out the return of asylum seekers who have received a negative decision when their applications for protection were examined. According to the Pact's critics, the new rules on "safe third countries" undermine the very foundations of refugee protection,

foundations that European states themselves laid back in the interwar period.

The debate about the Pact is far from over, and neither are the efforts of EU states to widen the range of tools for dealing with asylum seekers in the EU, whether by agreeing to create deportation centers or through the so-called externalization of asylum processing. EU states are also pressing the Council of Europe to have the European Court of Human Rights change its case law on how to interpret breaches of the ban on turning people seeking protection back to places where they face persecution (the principle of *non-refoulement*, in French), a principle that forms the backbone of the entire refugee protection system, both globally and at the level of individual world regions. There are many more changes being introduced at the level of the EU and its individual member-states. As of May 2026, not all of the 27 member-states managed to submit their Pact implementation plans in Brussels on time.² Non-governmental

organizations have long been warning that some of these provisions will in effect contribute to the slow dismantling of a coherent protection system in the EU. Supporters of the changes, those who take a clear-eyed view of the securitization of migration that feeds the populist narrative, put it this way: to move forward, if we want the EU asylum system to survive at all, and perhaps even for the Union itself to survive, we have to knock the arguments out of the populists' hands and take a step towards "restoring control," to borrow the language of Poland's migration strategy. National policies designed to limit migration have little to do with actual migrant numbers, but that hardly matters. The fight for votes is waged with cheap and simple slogans in which words like "migrant" and "refugee" do the work. They play well on citizens' emotions and can be used to tackle problems that have nothing to do with regulating migratory flows. And this is not just a Polish case. Today, the same processes are unfolding in essentially every country of the wealthy North, though there are notable exceptions, to mention only Spain's different approach or the fairly steady attitude to migration in general shown by successive Canadian governments. Beyond the Global North, we can certainly single out two national approaches to migration, including its forced varieties. On one side are states that never joined the instruments of the international protection regime or the efforts to protect internally displaced persons (IDPs). The approach of South Asian and Middle Eastern states is especially telling here. On the other side, many African and Latin American states are becoming champions of the fight to uphold normative and institutional commitments in the area of international protection and assistance to other categories of forcibly displaced people, discussed ahead.

In the countries of the Global North, there is very little room today in the migration debate for substantive discussion and for political decisions

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grounded in knowledge. This picture of how our European and, more broadly, wealthy world relates to migrants, and especially to so-called forced migrants, is a good starting point for asking whether we really are, as numerous analyses suggest, living in a time of global crisis of forced displacement, and if so, toward what kind of world we are heading as it currently narrows the application of legal and institutional principles for granting these people protection, principles that have been in place for many decades.

Forced Migration is Nothing New. What is New is its Scale

Most texts on migration open with a cliché which still bears truth: forced migration, like every other form of migratory movement of people, has existed since the first humanoid appeared. The policies and practices tied to it were for a very long time regarded as entirely legitimate, allowing the sovereign to shape the ethnic, religious, or national make-up of the population on its territory at will. Yet it was only with the emergence of modern nation-states that forced displacement became something more than a side effect of war or conquest. It came to be treated as a deliberate instrument in the hands of state authorities, occupiers, or temporary administrations. These practices continued into the twentieth century. The Treaty of Lausanne of 1923, concluded by European states and Japan with Turkey under the auspices of the League of Nations, provided for the removal of around 0.4 million Muslims from Greece to Turkey and around 1.3 million Christians from Turkey to Greece.³ Formally, the decision to relocate was meant to be voluntary. In practice, it was coercive, and no one at the time found it strange that it was states, not circumstances, that decided the fate of entire communities.

One case that is especially instructive and geo-

“The basic causes of forced displacement are armed conflict, persecution, and mass human rights violations. But climate change is now joining them, a factor will account for the largest number of displaced people in the coming decades. Climate change is understood not only as a separate category in the discussion of forced displacement but as a cross-cutting phenomenon that overlaps with poverty, ecosystem degradation, and the weakness of state institutions.”

graphically close to Europe was taken up by an eminent twentieth-century Polish international lawyer, Ludwik Ehrlich, and concerns the post-war expulsions of the German population from the so-called Recovered Territories. Ehrlich built an elaborate and unambiguously affirmative legal argument around these expulsions. In his view, Poland had no obligations towards Germany arising from international law, because through its actions between 1939 and 1945, the Reich had rejected Poland's legal personality under international law along with other norms of international law then in force. And since the Nazis had not respected these norms towards Poland, the principle of reciprocity released Poland from any duty to respect them towards German citizens after the war. On this basis, Ehrlich rejected the claims of German expellee associations that

invoked the so-called right to Heimat, that is, the right to one's native land.⁴ His work clearly sets out a justification for a state's right to expel a population whose authorities had committed particular acts. For Ehrlich, then, the Polish state carried out displacement not only because it had the right to do so, but also because doing so was simply the just thing to do, given the circumstances of the case.

The development of international law took a different direction from the one Ehrlich's analyses would suggest. The forced displacement and expulsion of populations by state authorities came to be treated as a violation of an ever-growing set of norms within that same body of law. The Nuremberg Principles, for example, codified the responsibility of individuals for, among other things, the deportation of civilian populations, treating it as

one of the acts that make up the definition of war crimes and crimes against humanity.⁵ The Fourth Geneva Convention on the protection of victims of war of 1949 and its Additional Protocols of 1977 prohibited the forced movement of civilian populations in conditions of conflict.⁶ In 1994, in response to the war in the former Yugoslavia, a UN commission of experts created a legal definition of "ethnic cleansing,"⁷ and the Statute of the International Criminal Court, adopted in 1998, explicitly included deportation and forced displacement in the catalogue of crimes against humanity and war crimes.⁸ This provision echoed the provisions of the statutes of other tribunals charged with prosecuting individuals responsible for international crimes. These norms of international law were created in response to displacements that had already happened, not as a preventive measure.

If forced displacement has always existed, then why speak of a crisis right now? One answer lies in the sheer scale of human suffering. A second concern is that, although the numbers of forcibly displaced people are the highest today since the Second World War, the world's wealthiest states are at the same time systematically withdrawing from the very instruments of protection that they themselves helped to create.

When it comes to the protection of forced migrants, the first office of the High Commissioner for Refugees was established under the League of Nations and the first convention concerning refugee status was adopted in 1933 (containing a somewhat different definition of the "refugee" from the one in force today). After the Second World War a new and more complex international architecture of protection for people forced to flee was constructed. The 1951 Geneva Convention and the 1967 New York Protocol defined refugee status and the principle of *non-refoulement*.⁹ In 1950, the UN General Assembly established, as one of its subsidiary bodies, the Office of the United Nations High Commissioner for Refugees (UNHCR), and a year earlier it had set up the United Nations Relief and Works Agency for Palestine Refugees in the Near East¹⁰ (UNRWA; the same UN agency that the Israeli government attacks with such zeal, accusing it of supporting terrorist actions against Israel and effectively physically shutting down its ability to operate in Israel and the occupied territories). A few decades

later, in 1998, the Guiding Principles on Internal Displacement came into being to address people who had not crossed an international border but had lost their home just as refugees had.¹¹ Their creation and promotion, attributed to the first Representative of the UN Secretary-General on IDPs, Francis M. Deng, were bound up with a rethinking of how state sovereignty was understood.¹² This academic reappraisal, and the shift away from seeing sovereignty as the state's full and unlimited control over its own population toward the concept of "sovereignty as responsibility," unfolded alongside other expressions of the so-called human-centered approach in international relations and became the foundation for building legal and institutional arrangements to protect people who migrate under compulsion, including within state borders.

In 2009, the African Union adopted the Kampala Convention, which explicitly extends protection to internally displaced people, including those displaced by natural disasters.¹³ Individual world regions (Africa, Latin America, and Europe, too) also have their own specific legal arrangements addressing the problems of forced displacement in those parts of the world.

So if legal instruments and institutions do exist, why do the numbers of forcibly displaced people keep rising? Here it is worth making a distinction that often slips out of public debate: forced displacement is not the same thing as migration in general. In mid-2025, there were around 304 million international migrants in the world, roughly 3.5 percent of the entire global population.¹⁴ Of that number, however, according to UNHCR data, nearly 117.8 million people were forcibly displaced at the end of 2025, including 35.6 million who fell under UNHCR's mandate (refugees and others in a comparable situation), while Palestinians covered by UNRWA's mandate accounted for 6 million people, and close to

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69 million people worldwide were classified as internally displaced.¹⁵ A further 9 million were waiting, at various stages of the procedure, for a decision on an asylum application they had filed, so their fate remained uncertain.¹⁶ This means that fewer than half of all forced migrants at the end of 2025 were covered by the formal international protection offered by states party to the Convention Relating to the Status of Refugees, or by UNRWA, which operates under a different set of rules. The rest were either in a state of legal limbo or found themselves entirely outside any stable international system of protection.

As the numbers show, the vast majority of people on the move in the world today do so by choice, that is, they decide to seek work, education, or a better life somewhere else on Earth. Forced displacement is a narrower category, both in law and in fact, even though it is precisely this category that most powerfully grips the political imagination, particularly today in the countries of the Global North.

The basic causes of forced displacement have essentially stayed the same for decades, namely armed conflict, persecution, and mass human rights violations. But another factor is now joining them, one that, it seems today, will account for the largest number of displaced people in the coming decades. That factor is climate change, understood not only as a separate category in the discussion of forced displacement but as a cross-cutting phenomenon that overlaps with poverty, ecosystem degradation, and the weakness of state institutions, reinforcing each of these causes in turn. In its *Groundswell* report of 2021, the World Bank estimated that by 2050, internal climate migration alone could affect 216 million people.¹⁷ It is true that in 2025, conflict and violence (32.3 million new displacements) overtook natural disasters (29.9 million) as the main cause of new displacement, but this looks more like a temporary reversal of a long-observed trend than its end.¹⁸

Record Numbers and Ever Weaker Norms and Standards

If forced displacement has always existed, then why speak of a crisis right now? The answer does not lie in the sheer scale of human suffering, though that is one argument. A second concerns the fact that, although the numbers of forcibly displaced people are the highest today since the Second World War, the world's wealthiest states are at the same time systematically withdrawing from the very instruments of protection that they themselves helped to create. A third argument follows from the statistical data and the trends cited above: as the negative effects of climate change intensify, the numbers are rising and, as every sign indicates, will unfortunately keep rising.

Changes in the rules for granting protection to forced migrants particularly affect the category of refugees. The 1951 definition of “refugee” requires

crossing a border and demonstrating individual, well-founded persecution on specific grounds in order to obtain status. It is a narrow gateway, interpreted ever more narrowly in wealthy states. Research on the European Union's response to the so-called instrumentalization of migration (the use of migrants, as for example when Lukashenko's regime pushed people towards the Polish border with Belarus in order to destabilize the situation in Poland and the EU) shows that in reacting to this phenomenon states do not openly reject the principle of *non-refoulement*, but rather reshuffle the hierarchy of norms, placing security and sovereignty above humanitarian obligations, and present this as an extraordinary measure made necessary by exceptional circumstances. Regulation 2024/1359, part of the New Pact on Migration and Asylum, introduced into EU law, for the first time in its history, a formal definition of the “instrumentalization” of migration, understood as a situation in which a state or a hostile non-state actor deliberately facilitates the movement of foreign nationals in order to destabilize the Union.¹⁹ It was precisely instrumentalization that Finland, Poland, and Greece invoked when they suspended migrants' right to lodge applications for protection. Based on that concept, for example, the Polish Sejm adopted a law amending the relevant legislation on February 21, 2025, which came into force just a month later.²⁰ It allows the government to suspend, for sixty days and with the possibility of the Sejm extending the mechanism, the right to file an application for international protection whenever instrumentalization of migration, a serious threat to security, and the absence of alternative measures are all established. In practice the provision legalizes so-called pushbacks, because the Border Guard is instructed not to accept asylum applications during the suspension period. During the consultations, literally every institution involved criticized the amendment, from the Commissioner for Human Rights and

the legal professional bodies to UNHCR, non-governmental organizations, and the legislative offices of the Polish parliament.²¹ The act was adopted nonetheless, with an explicit reference to the analogous Finnish arrangement.

A similar direction is visible outside Europe. In the United States, the Trump administration announced in January 2025 that the situation on the southern border amounted to an “invasion,” effectively suspending the right to seek asylum.²² The refugee admissions ceiling for 2026 was set at a record low of 17,500, with almost all of those places reserved for white farmers from South Africa.²³ It is a striking example of how the category of “refugee” is becoming a matter of selective, political recognition rather than a matter of law. Australia has pursued a very restrictive asylum policy essentially since the start of this century, and obligations arising from international legal rules ceased to carry decisive weight there long ago. At the same time, Australia is a wealthy state that has decided to create a legal pathway to permanent settlement for people forced to migrate because of the effects of the climate crisis. The treaty signed in 2023 with Tuvalu, the so-called *Falepili Union*, is not without benefit for Australia, however, since in exchange for creating a scheme of climate visas for the citizens of that Pacific island state, it reserved for itself the right to influence any agreements that the government of Tuvalu might wish to conclude with third countries in the area of security and defense.²⁴ Much therefore suggests that here too the protection of forced migrants is being used instrumentally rather than to serve humanitarian or human rights aims. The earlier actions of successive governments in Canberra, which created detention centers outside Australian territory where applications for international protection and “difficult” cases were (and in part still are) processed, only confirm this diagnosis.

The weakening of efforts to protect forced migrants is even clearer in the case of IDPs. The Guiding Principles on Internal Displacement mentioned above, developed by Francis Deng, the first Representative of the UN Secretary-General on IDPs, and never had legally binding force. But in the 1990s they became the foundation on which the entire architecture of IDP protection was built. Set against today’s practice, a clear shift in approach comes into view. In his first years in office, Deng visited ten countries around the world, building a direct dialogue with governments and urging leaders to adopt national legislation protecting IDPs. The current Special Rapporteur on the human rights of IDPs, Paula Gaviria Betancur, has held the mandate since November 2022. To date, as the reports posted on her office’s website show, she has carried out only a handful of country visits: Mozambique in June 2024, the Marshall Islands in October 2024, and the Democratic Republic of the Congo in May 2025.²⁵ This change in dynamics does not stem from any lack of commitment on Betancur’s part, but rather from a visible narrowing of the political space for her work and of the resources available to her. Meanwhile, the number of IDPs, and of countries where the phenomenon occurs, keeps growing worldwide. This is not the first time in the past decade that we have faced record statistics. And in this context, it may seem paradoxical that the more people need protection, the fewer institutional and material means of action are available. An analysis of the state of efforts on behalf of IDPs is a symptom of a broader phenomenon: a return to a narrower, Westphalian understanding of state sovereignty as the right to full control within one’s own jurisdiction, and a gradual retreat from the concept of sovereignty as responsibility that developed at the turn of the 1990s and the new century.

Today, the least protected category is people displaced for climatic and environmental reasons.

There is no binding universal treaty on this matter. The 1951 Geneva Convention does not cover environmental causes. The Kampala Convention of 2009, which also covers people forcibly displaced by natural disasters, applies only to Africa, and even there, not all states are parties to it. Sudan and Eritrea, countries with some of the largest IDP populations in the world, have not ratified it. The controversial *Falepili Union* mentioned earlier, concluded between Australia and Tuvalu, amounts to just 280 places a year.²⁶ That is a drop in the ocean compared with the anticipated scale of need, even for Tuvalu whose population is under ten thousand.

Forced migration triggered by climate change illustrates one of the many injustices of the contemporary world: climate change affects every country on Earth, and in many of them climate migration is happening or will happen. But these trends will not be distributed evenly once you take into account land area, population size, resources, and so on. According to World Bank projections, the largest numbers of internal climate migrants by 2050 will come from Sub-Saharan Africa (86 million), East Asia and the Pacific (49 million), and South Asia (40 million).²⁷ Wealthy states, which are already dealing with the phenomenon, too, have the infrastructure, capital, and technology to adapt. Poor states have no such resources, and it is precisely they that, paradoxically, generate the smallest share of the emissions driving the climate crisis. Forced climate migration is therefore not simply an observable consequence of natural events. It is also yet another challenge for global justice, one in which costs and benefits are distributed in exactly the reverse order of responsibility.

Where Are We Heading?

If we put all these threads together, what emerges is a picture of a system that is losing its coherence at the very moment when it is needed most. Before

our eyes, a variety of phenomena, processes, and tendencies are becoming visible.

First, it is worth remembering that the relationship between various kinds of crises (armed conflicts, mass human rights violations, natural disasters) and forced migration runs in both directions: crises and instability are often the trigger for mass forced migration, and this migration in turn not infrequently contributes to further crises and to tensions rooted in social, political, and ethnic factors or in the struggle for access to resources.

Second, in the race between the humanitarian imperative toward migrants and the demands of domestic politics and international interests, it is the latter that win. Individual states, such as Poland, Finland, Greece, the United States, and Australia, are testing the limits of the postwar “Geneva system” (and of other normative arrangements that protect forcibly displaced populations, but also criminalize actions leading to the displacement of populations, whether in wartime or in peacetime). New practices in granting protection are ceasing to be the exception and may perhaps lead to the emergence of new norms in this area. For now, though, protection is not disappearing from the treaties; it is simply becoming ever harder to access in practice, and the gap between the law on paper and the law in action grows with every further amendment to a statute and every implementing act.

Third and finally, it is worth pointing to a clearly developing trend of struggle waged by individuals, coalitions, and non-governmental organizations, but also by states, in various national and international judicial and other institutions, aimed at securing legal and political accountability for actions that contribute to the rise in mass displacement, especially as a result of the deepening climate crisis. Cases before the UN Committee on the Rights of the Child,²⁸ the judgment in

Verein KlimaSeniorinnen v. Switzerland handed down in 2024 by the Grand Chamber of the European Court of Human Rights,²⁹ the 2025 advisory opinion of the International Court of Justice on states' responsibility for the effects of climate change,³⁰ and the UN General Assembly resolution³¹ that followed it are just some examples of such efforts. In other aspects of international protection, the European Court of Human Rights emphasizes in its rulings the crucial importance of, for instance, the norm of *non-refoulement*.³² But let us not forget that all these institutions will exist, operate, rule, and decide only for as long, and only to the extent, that states wish them to. Ultimately, the anarchic character of the international community means that no supranational authority exists within it. States comply with norms and rules for various reasons, often because of socialization into practices that the international community in a sense enforces if we want to be taken seriously and to draw material and symbolic benefit from membership in institutionalized forms of cooperation.

Where changes to the current norms of international protection will go, at the global and regional levels, is not clear today. Yet if one were to weigh the pressures to weaken this system against those to strengthen it, the scales would tip toward limiting protection, "reclaiming control," and refraining from creating new forms of preventing forced displacement and helping the displaced. The most likely scenario is the normalization of forced migration as a situation managed on an ad hoc basis, without comprehensive protective frameworks, in which millions of people function in a legal gray zone, and the decision about who receives protection depends more and more on where they come from and how much they are worth politically today.

This brings us back to where we began. Forced displacement has always existed and always will.

What is changing is the way states now approach their legal, political, and ethical obligations to help the weakest and to protect, on humanitarian grounds, those who are persecuted, along with the selective way in which a growing number of states in the (especially wealthy) world choose which legal and non-legal instruments to apply. What we are witnessing today is a crisis of political will at a time of record numbers of people who no longer have a home to return to.

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- 29 *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, App. No. 53600/20, ECtHR (Grand Chamber), April 9, 2024.
- 30 ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion, No. 2025/36, July 23, 2025.
- 31 UN General Assembly, Resolution 80/263, *Advisory Opinion of the International Court of Justice on the Obligations of States in Respect of Climate Change*, UN Doc. A/RES/80/263, May 20, 2026.
- 32 Yet, it is worth noting that Council of Europe states have been mounting pressure on the European Court in Human Rights to change its jurisdictional line as it refers to the interpretation of non-refoulement, as expressed in Chișinău Declaration of May 15, 2026. See: Council of Europe, "Council of Europe Foreign Ministers Adopt Political Declaration on the ECHR and Migration," May 15, 2026, <https://www.coe.int/en/web/portal/-/council-of-europe-foreign-ministers-adopt-political-declaration-on-the-echr-and-migration> (accessed July 26, 2026).